

APR 19 2007

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**ALSTON & BIRD LLP**

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919-862-2200  
Fax: 919-862-2260

**TELECOPY****PLEASE DELIVER AS SOON AS POSSIBLE****DATE:** April 19, 2007**TO:** TC 1600**FROM:** Michelle L. Cunningham**In re:** Mikszta *et al.***Appl No.:** 10/679,038**Filed:** October 2, 2003**For:** INTRADERMAL DELIVERY OF VACCINES AND GENE THERAPEUTIC AGENTS VIA MICROCANNULA**Confirmation No.:** 1660**Group Art Unit:** 3763**Attachments:**

3.73B Statement(1 page)

Power of Attorney by Assignee(1 page)

Copy of Assignment being recorded separately(7 pages)

**NO. OF PAGES:** 10  
(Including cover page)**OPERATOR:****IF NOT RECEIVED PROPERLY, PLEASE NOTIFY ME IMMEDIATELY AT (919) 862-2200****USER CODE:** LAKE**FAX NUMBER:** 571-273-8300**CLIENT/MATTER:** 035510/319556**REQUESTED BY:** Pam Lockley**VOICE NUMBER:**

LEGAL02/30271684v1

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Attorney's Docket No. 035510/319556 (P-5331P1P1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Mikszta *et al.*  
Appl No.: 10/679,038  
Filed: October 2, 2003  
For: INTRADERMAL DELIVERY OF VACCINES AND GENE THERAPEUTIC AGENTS VIA MICROCANNULA

Confirmation No.: 1660  
Group Art Unit: 3763

STATEMENT UNDER 37 CFR 3.73(b)

Becton, Dickinson and Company is:

1. ☒ the assignee of the entire right, title and interest; or
2. ☐ an assignee of less than the entire right, title and interest  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_%)

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above.  
The assignment was recorded in the Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_,  
or a true copy of the original assignment is attached.

OR

- B. ☒ A chain of title from the inventor(s) of the patent application/patent identified above, to the current assignee as follows:

From: John A. Mikstka, Jason B. Alarcon, Cheryl Dean, and Andrea Waterston  
To: Becton, Dickinson and Company

The assignment document is being recorded in the Patent and Trademark Office concurrently herewith, a copy of which is attached hereto.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11

The undersigned is empowered to sign this statement on behalf of the assignee.

4-19-07

Date



Michelle L. Cunningham, Registration No. 51,072

Correspondence Address is Customer No. 47656 (Alston & Bird LLP)

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**POWER OF ATTORNEY TO PROSECUTE APPLICATIONS BEFORE THE USPTO**

I hereby appoint:



Practitioners associated with the Customer Number:

47656

**OR**

Practitioner(s) named below (if more than ten patent practitioners are to be named, then a customer number must be used):

as attorney(s) or agent(s) to represent the undersigned before the United States Patent and Trademark Office (USPTO) and are authorized to act on behalf of the Assignee in connection with any and all patent applications assigned only to the undersigned according to the USPTO assignment records or assignment documents attached to this form in accordance with 37 CFR 3.73(b).

Assignee Name and Address:

Becton Dickinson and Company  
1 Becton Drive, MC 110  
Franklin Lakes, NJ 07417-1880

A copy of this form, together with a statement under 37 CFR 3.73(b) (Form PTO/SB/96 or equivalent) is required to be filed in each application in which this form is used. The statement under 37 CFR 3.73(b) may be completed by one of the practitioners appointed in this form if the appointed practitioner is authorized to act on behalf of the assignee, and must identify the application in which this Power of Attorney is to be filed.

**SIGNATURE of Assignee of Record**

The individual whose signature and title is supplied below is authorized to act on behalf of the assignee

Name David W. Highet

Signature



Date SEP. 6, 2005

Title

Assistant Secretary

Telephone 201-847-5317

RTA01/2189517v1

## ASSIGNMENT - WORLDWIDE

**COPY**

THIS ASSIGNMENT, effective as of October 2, 2003, made by us, John A. Mikszta, citizen of the United States of America, residing at 3205 Lochinvar Drive, Durham, NC 27705; Jason B. Alarcon, citizen of the United States of America, residing at 230 Newberry Lane, Durham, NC 27703; Cheryl Dean, citizen of the United States of America, residing at 205 Trails End Court, Raleigh, NC 27614; and Andrea Waterston citizen of the United States of America, residing at 316 Adelaide Road, Holly Springs, NC 27540,

WITNESSETH: That,

WHEREAS, we are the joint inventors of certain new and useful improvements in INTRADERMAL DELIVERY OF VACCINES AND GENE THERAPEUTIC AGENTS VIA MICROCANNULA for which U.S. Application No. 10/679,038 was filed on October 2, 2003 in the United States Patent and Trademark Office; and

WHEREAS, Becton Dickinson, a New Jersey corporation having a principal place of business at 1 Becton Drive, Franklin Lakes, NJ 07417, hereinafter referred to as assignee, is desirous of acquiring the entire right, title and interest in and to said invention as described in said application, and in and to any and all Letters Patent which shall be granted therefor in the United States of America and all countries foreign thereto;

NOW, THEREFORE, To Whom It May Concern, be it known that for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, we have sold and by these presents do hereby sell, assign, transfer, and convey unto the said assignee, its successors and assigns, the entire right, title, and interest in and to the said invention and application, and in and to any and all continuations, continuations-in-part, divisions, or non-provisionals claiming priority thereof, and in and to any and all Letters Patent of the United States of America and all foreign countries or reissues or extensions thereof which may be granted therefor or thereon, for the full end of the term for which said Letters Patent may be granted, together with the right to claim the priority of said application in all foreign countries in accordance with the International Convention, the same to be held and enjoyed by said assignee, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us if this assignment and sale had not been made.

We hereby request that said Letters Patent be issued in accordance with this assignment.

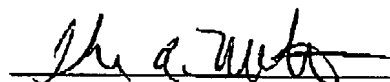
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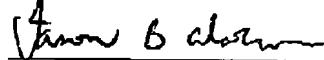
We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

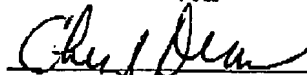
We further covenant and agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for the said invention, as the assignee, its successors, assigns, or legal representatives may from time to time require and prepare at their own expense.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

IN WITNESS WHEREOF, we have hereunto set our hands and seals on this 4<sup>th</sup>  
day of April, 2007.

 (SEAL)  
John A. Mikszta

 (SEAL)  
Jason B. Alarcon

 (SEAL)  
Cheryl Dean

\_\_\_\_ (SEAL)  
Andrea Waterston

We further covenant and agree that, at the time of the execution and delivery of these presents, we possess full title to the invention and application above-mentioned, and that we have the unencumbered right and authority to make this assignment.

We further covenant and agree to sign and execute all necessary and lawful future documents, including applications for foreign patents, for filing divisions, continuations and continuations in-part of said application for patent, and/or, for obtaining any reissue or reissues of any Letters Patent which may be granted for the said invention, as the assignee, its successors, assigns, or legal representatives may from time to time require and prepare at their own expense.

We further covenant and agree to bind our heirs, legal representatives, and assigns promptly to communicate to said assignee or its representatives any facts known to us relating to said invention, to testify in any interference or legal proceedings involving said invention, to execute any additional papers which may be requested to confirm the right of the assignee, its representatives, successors, or assigns to secure patent or similar protection for the said invention in all countries and to vest in the assignee complete title to the said invention and Letters Patent, without further compensation, but at the expense of said assignee, its successors, assigns, and other legal representatives.

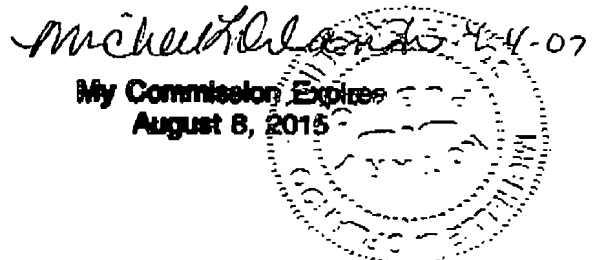
IN WITNESS WHEREOF, we have hereunto set our hands and seals on this \_\_\_\_\_ day of \_\_\_\_\_, 2007.

\_\_\_\_\_(SEAL)  
John A. Mikszta

\_\_\_\_\_(SEAL)  
Jason B. Alarcon

\_\_\_\_\_(SEAL)  
Cheryl Dean

*Andrea Waterston* (SEAL)  
Andrea Waterston



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STATE OF North CarolinaCOUNTY OF Durham

I, Linda W. Tingen, a Notary Public for said County and State, do hereby certify that John A. Miksza personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 4<sup>th</sup> day of April, 2007.

(Official Seal)

Linda W. Tingen  
Notary Public

My commission expires: 4-21-2007

STATE OF North CarolinaCOUNTY OF Durham

I, Linda W. Tingen, a Notary Public for said County and State, do hereby certify that Jason B. Alarcon personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 4<sup>th</sup> day of April, 2007.

(Official Seal)

Linda W. Tingen  
Notary Public

My commission expires: 4-21-2007

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STATE OF North CarolinaCOUNTY OF Durham

I, Linda W. Tingen, a Notary Public for said County and State, do hereby certify that Cheryl Dean personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 4<sup>th</sup> day of April, 2007.

(Official Seal)

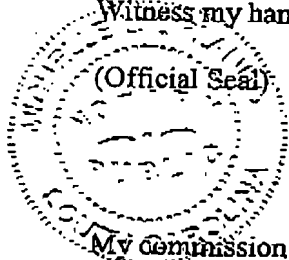
Linda W. Tingen  
Notary Public

My commission expires: 7-21-2007

STATE OF South Carolina )COUNTY OF Horry )

I, Michelle Orlando, a Notary Public for said County and State, do hereby certify that Andrea Waterston personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the 4 day of April, 2007.



Michelle Orlando  
Notary Public

My commission expires: August 8, 2015

Our ref. no. 035510/319556 (P-5331P1P1)